

STANDING CHAPTER 13 TRUSTEE ALJANDRO OLIVERAS RIVERA
REPORT OF ACTION TAKEN
MEETING OF CREDITORS

In re:

JOSE ENRIQUE SANTANA RAMOS

Case No. 17-07343-MCF

Chapter 13

Attorney Name: ROBERTO FIGUEROA CARRASQUILLO*

I. Appearances Debtor <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent Joint Debtor <input type="checkbox"/> Present <input type="checkbox"/> Absent Attorney for Debtor <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent <input type="checkbox"/> Prose <input type="checkbox"/> Appearing:	Date & Time: 6/21/2018 1:30:00PM <input checked="" type="checkbox"/> R <input type="checkbox"/> NR LV: To be determined. <input type="checkbox"/> This is debtor(s) 0 Bankruptcy filing. Creditors: <div style="border: 1px solid black; height: 100px; margin-top: 5px; padding: 5px;"> <u>None</u> </div>
II. Oath Administered <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
III. Plan Date: 05/29/2018 Base: \$291,170.00 Payments 1 made out of 1 due. Confirmation Hearing Date: 7/13/2018 1:30:00PM Evidence of Pmt shown:	
Attorney's fees as per R. 2016(b) <div style="margin-top: 10px;"> \$3,000.00 - \$0.00 = \$3,000.00 </div>	
IV. Status of Meeting <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Not Held <input type="checkbox"/> Held/Continued <input type="checkbox"/> Held/Not Closed <input type="checkbox"/> Continued Continued Date: Comments:	
<input type="checkbox"/> M.T.D. to be filed by Trustee: Debtor(s) failed to: <input type="checkbox"/> Appear: <input type="checkbox"/> Commence payments <input type="checkbox"/> Keep payments current <input type="checkbox"/> does (do) not qualify as a debtor (§109): <input type="checkbox"/> MTD Already filed, see Docket: <input type="checkbox"/> Other:	

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(Cont.)

Trustee's Report on Confirmation

☐ FAVORABLE

☒ UNFAVORABLE

☐ Feasibility

☐ Insufficiently funded

☐ Unfair discrimination

☐ Fails disposable income

☐ Fails liquidation value test

☐ Insuarence quote

☐ No provision for secured creditor(s)

Toyota Motor Credit and Scotiabank claim 1-1.

☐ Tax returns missing

☐ State - years

☐ Federal - years

Pending/Items/ Documents:

☐ DSO Recipient's Information

☐ Evidence of being current with DSO

☐ Evidence of income

☐ Monthly reports for the months

☐ Public Liability Insurance

☐ Premises

☐ Vehicle(s):

☐ Licenses issued by:

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Trustee's objection to confirmation

☒ Objection to Confirmation

☐ Oral objection by creditor

ACP: 5

Household size: 1

Disp. Income under 1325(b)(2): $\$1,663.54 \times 60 = \$99,812.40$

Debtor(s) made aware of plan's tax refund provision to increase pay-out to creditors.

Any amendment to the plan should disclose debtor(s) last 4 digits of the social security number.

I reviewed documentary evidence on the filing of the 2013 thru 2016 state income tax returns.

Matter(s):

NOTE: SCMI form 122C-2 line 45 disclose $\$1,663.54 \times 60 = \$99,812.40$. Unsecured pool.

Note: Debtor has a mailing address from Dorado but his physical address is in Gurabo. Dorado address belongs to his parents.

Schedule "J" disclose food & housekeeping supplies expense of \$856.36, however, per IRS standards for one person it should be \$377.00. Debtor is asked to clarify whether he has a special diet. He does.

1. Part 2.1 of the plan includes an additional payment of \$225,000.00 from sale of real property, however, in Part 2.4 said lump sum is disclosed by a different amount \$250,000.00. This needs to be clarified and amend accordingly.

2. Feasibility of Lump sum payment will depend on outcome of adversary proceeding case 18-00064 to determine validity of mortgage lien over debtor's real property. If debtor prevails lump sum will be feasible.

3. Plan does not provide any treatment to secured creditor Scotiabank claim 1-1, however, debtor filed an adversary case 18-00064 to determine validity of mortgage lien over debtor's real property. If debtor prevails plan may not need to provide for the mentioned creditor.

4 Plan does not provide for secured creditor Toyota Motor Credit as listed in Schedule "D". Trustee notes that Schedule "J" disclose \$438.00 as car loan or lease.

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5. Liquidation value cannot be determined until adversary case 18-00064 is resolved.

6. Disclosure of compensation requests \$3,000.00 with no pre-petition fees received, however, Counsel already received \$2,000.00 from Chapter 7. Amend accordingly. Disclose the \$2,000 in the SOFA.

The following party(ies) object(s) confirmation:

s/Alejandro Oliveras

Date: 06/21/2018

Trustee/Presiding Officer

(Rev. 05/13)